

# THE BATTLE-CRY

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## CHAPTER XXII—Continued.

Jim Fletcher, a mountain man who had for years drifted between Tribulation and Winchester trading in cattle and timber, made a journey through the hills that spring, and was everywhere received as "home folks." For him there were no bars of distrust, and he was able for that reason to buy land right and left. Though he had paid for it a price above the average, it was a price far below the value of the coal and timber it contained—and Jim had picked his land.

Anse Hayey and his associates knew that Jim Fletcher had been subsidized; that the money he spent so lavishly was not his own money; and that he came as a staking-horse, but they did not know that he had been to Louisville and had conferred there with Mr. Trevor. Neither did they know at once that he had visited the cabins of every malcontent among both the former factions, and that he was a mischiefmaker adroitly laying here in the hills the foundations for a new feud.

Jim had a bland tongue and a persuasive manner, and he talked to the mountain men in their own speech, but he was none the less the advance agent of the new enemy from down below: the personal fulfillment of Juanita's prophecy to Roger Malcolm.

Juanita did not realize how much she was leaning on the strength of Anse Hayey, how she depended on him for counsel and encouragement, which he gave not in behalf of the school, but because he was the school teacher's slave. She saw the little hospital rise on the hill and thought of what it would do, and she believed that Anse Hayey must be, in his heart, converted, even though his mountain obstinacy would not let him say so.

Then, while the hillside were joyous with spring, came a squad of lads with transit and chain, who began running a tentative line through the land that Jim Fletcher had bought. Anse Hayey watched them grimly with folded arms, but said no word until they reached the boundary of his own place.

There he met them at the border. "Boys," he said, "ye musn't cross that fence. This is my land, an' I forbids ye."

Their foreman argued. "We only want to take the measurements necessary to complete our line, Mr. Hayey. We won't work any in-jury."

Anse shook his head. "Come in, boys, an' eat with me an' make yourselves at home," he told them, "but leave your tools outside."

Men from the house patrolled the boundary with rifles and the young men were forced to turn back.

But later they drew near the house of old Bob McGreggor, and he, stealing down to the place in the thicket of rhododendron, saw them peeringly near the trickling stream which even then bore on its surface little kernels of yellow corn. Deeply and violently old Bob swore as he drank from his little blue keg, and when one day he saw them again he asked counsel of no man. He went down and crept close through the laurel, and when his old rifle spoke a schoolboy from the Blue Grass fell dead among the rocks of the water course.

After that death, the first murder of an innocent outsider, the war which Anse Hayey had so long foreseen broke furiously and brought the orders of upland and lowland to the grip of bitter animosity.

Old McGreggor's victim had been young Roy Calvin, the son of Judge Calvin of Lexington, and the name of Calvin in central Kentucky was one associated with the state's best traditions.

It had run in a strong, bright thread through the pattern of Kentucky's achievements, and when news of the wanton assassination came home, the state awoke to a shock of horror. The infamy of the hills was screamed in echo to the mourning, and the name of Bad Anse Hayey was once more printed in large type.

The men whose capital sought to wrest profit from the hills, and whose employee had been slain, were quick to take advantage of this hue and cry of calamity.

They buried themselves into the fight for gaining possession of coveted land and were not particular as to methods.

Jim Fletcher came and went constantly between the lowlands and highlands. He was all things to all men, and in the hills he cursed the lowlander, but in the lowland he cursed the hills. Milt and Jeb and Anse rode constantly from cabin to cabin in their efforts to circumvent the adroit schemes of the mountain Judas who had sold his soul to the lowland syndicate.

Fletcher sought a foothold for capital to pierce fields acquired at the price of undeveloped land and then to take the profit of development. Anse sought to hold title until the sales could be on a fairer basis, and so the issue was made up.

Capitalists, like Malcolm, who sat in directors' rooms launching a legitimate enterprise, had no actual knowl-

edge of the instrumentalities being employed on the real battlefield. Lawyers tried condemnation suits with indifferent success, and then reached out their hands for a new weapon.

Back in the old days, when Kentucky was not a state but a county, land patents had been granted by Virginia to men who had never claimed their property. For two hundred years other men who settled as pioneers had held undisturbed possession, they and their children's children. Now into the courts piled multitudinous suits of eviction in the names of plaintiffs whose eyes had never seen the broken skyline of the Cumberland. Their purpose was deceit, since it sought to drag through long and costly litigation pauper landholders and to impose such a galling burden upon their property as should drive them to terms of surrender.

Men and women who owned, or thought they owned, a log shack and a tilting cornfield found themselves facing a new and bewildering crisis. Their untaught minds brooded and they talked violently of holding by title of rifle what their fathers had wrested from nature, what they had tended with sweat and endless toil.

But Anse Hayey and Milt McBriar knew that the day was at hand when the rifle would no longer serve. They employed lawyers fitted to meet those other lawyers and give them battle in the courts, and these lawyers were paid by Anse Hayey and Milt McBriar.

The two stood stanchly together as a buffer between their almost helpless people and the encroaching tentacles of the new octopus, while Juanita, looking on at the forming of the battlelines, was torn with anxiety.

In Bad Anse Hayey the combination of interests recognized its really most formidable foe. In the mountain phrase, he must be "man-powered on either way." And there were still men in the hills who, if other means failed, would sell the service of their "rifle-guns" for money.

With such as these it became the care of certain supernumeraries to establish an understanding. In the last election a thing had happened which had not for many years before happened in Kentucky—a change of parties had swept from power in Frankfort the administration which owed loyalty to Hayey influences.

Bad Anse Hayey was indicted as an accessory to the murder of young Calvin and he would be tried, not in Peril, but in the Blue Grass. The prosecution would be able to show that he had warned the surveyors off his own place and had picketed his fence line with riflemen. They would be able to show that he was the forefront of the fight against innovation and that lesser mountain men followed his counsel blindly and regarded his word as law. But, more than that, the jurors who passed on his question of life and death would be drawn from a community which knew him only by his newspaper-made reputation.

So it was not long before Anse Hayey lay in a cell in the Winchester jail. He had been denied bond and fronted a dreary prospect.

When the trial of Anse Hayey began there was one spirit in the land. Here was an exponent of the unjustifiable system of murder from ambush. In the cemetery at Lexington, where sleep the founders of the western empire, lay a boy whose life had just begun in all the blossom and sunshine of promise—and who had done no wrong.

The special term of the court had brought to Winchester a throng of farmer folk and onlookers. Their horses stood hitched at the racks about the square when the sheriff led Anse Hayey from the jail to the old building where he was to face his accusers and the judges who sat on the bench and in the jury box.

He took his seat with his counsel at the preliminary formalities of impaneling a jury. His face told nothing, but as man after man was excused because he had formed an opinion, he read little that was hopeful in the outlook.

He calmly heard perjured witnesses from his own country testify that he had approached them, offering bribes for the killing of young Calvin which they had righteously refused. He knew that these men had been bought by Jim Fletcher and that they swore for the hire of syndicate money, but he only waited patiently for the defense to open. He saw the scowl on the faces in the jury box deepen into conviction as witness after witness took the stand against him, and he saw the faces in the body of the room mirror that scowl.

Then the prosecution rested, and as a few of its perjuries were punctured, the faces in the box lightened their scowl a little—but very little. The tide had set against him, and he knew it. Unless one of those strangely psychological things should occur which sweep juries suddenly from their moorings of fixed opinion, he must be the sacrifice to Blue Grass wrath, and on the list of witnesses under the hand of his attorney there were only a few names left—pitifully few.

Then Anse Hayey saw his chief counsel set his jaw, as he had a trick of setting it when he faced a forlorn hope, and throw the list of names aside as something worthless. As the lawyer spoke Anse Hayey's face for the first time lost its immobility and showed amazement. He bent forward, wondering if his ears had not tricked him. His attorneys had not consulted him as to this step.

"Mr. Sheriff," commanded the lawyer for the defense, "call Miss Juanita Holland to the stand."

## CHAPTER XXIII.

If in the mountains there was one person of whom the Blue Grass knew with favor, it was Juanita Holland. She had worked quietly and without any blare of trumpets. Her efforts had never been advertised, but the thing she was trying to do was too unusual a thing to have escaped public notice and public laudation. That she was spending her life and her own large fortune in a manner of self-sacrifice and hardship was a thing of which the state had been duly apprised.

She, at least, would stand acquitted of feudal passion. She stood as a lone fighter for the spirit of all that was best and most unselfish in Kentucky ideals and the ideals of civilization.

If she chose to come now as a witness for Anse Hayey, she should have a respectful hearing. The prisoner bent forward and fixed eyes blazing with excitement on the door of the witness room. He saw it open and saw her pause there, pale and rather perplexed, then she came steadily to the witness stand and asked: "Do I sit here?"

The man had known her always in the calico and gingham of the mountains. This seemed a different woman who took her seat and raised her hand to be sworn. She was infinitely more beautiful he thought, in the habiliments of her own world. She seemed a queen who had waived her regal prerogatives and come into this mean courtroom in his behalf.

His heart leaped into tumult. He would not have asked her to come; would not have permitted her to submit to the heckling of the prosecutor, whose face was already drawing into



When His Old Rifle Spoke a Schoolboy From the Blue Grass Fell Dead.

a vindictive frown, had he known. She had come, however, anyway—perhaps, after all, she cared! If so, it was a revelation worth hanging for.

Then he heard her voice low and musically pitched in answer to questions.

"I have known Mr. Hayey," she said quietly, "ever since I went to the mountains. He has helped me in my work and has been an advocate of peace wherever peace could be had with honor."

At the end of each answer the commonwealth's attorney was on his feet with quickly snapped objections. Anse Hayey's heart sank. He knew this man's reputation for bullying witnesses, and he had never seen a woman who had come through the ordeal unshaken. Yet slowly the anxiety on his face gave way to a smile of infinite admiration. Juanita Holland's quiet dignity made the testy wrath of the state's lawyer seem futile and peevish.

The defendant saw the subtle change of expression on the faces of the jury. He saw them shifting their sympathy from the lawyer to the woman, and the lawyer saw it, too. They kept her there, grilling her with all the tactics known to artful barristers for an unconscionable length of time, but she was still serene and unconfused.

"By heaven!" exclaimed Anse Hayey to himself, as he leaned forward, "she's makin' fools of 'em all—an' she's doin' it for me!"

Even the judge, whose face had been sternly set against the defense, shifted in his chair and his expression softened. The commonwealth's attorney rose and walked forward, and Anse Hayey clenched his hands under the table, while his fingers itched to seize the tormentor's throat.

"You don't know that Anse Hayey didn't incite this murder. You only choose to think so, isn't that a fact?" stormed the prosecutor.

"I know that Anse Hayey is incapable of it," was the tranquil retort. "How do you know that?"

"I know him."

"Who procured your presence in this courtroom as a defense witness?" Each interrogation came with rising spleen and accusation of tone.

"I asked to be allowed to come."

"Why?" "Because I know that back of this prosecution lies the trickery of interloping seekers to dispose of Anse Hayey so that they may plunder his people."

The lawyer wheeled on the judge. "I must ask your honor to admonish this witness against such false and improper charges—or to punish her for contempt," he blazed furiously.

But the judge spoke without great severity as he cautioned: "Yes, the witness must not seek to imply motives to the prosecution."

The attorney took another step forward with a malicious smile. He paused that the next question and its answer might fall on the emphasis of a momentary silence. Then he pointed a finger toward the girl, with the manner of one branding a false witness, and demanded:

"Is there any sentimental attachment between you and this defendant, Anse Hayey?"

There was a moment's dead silence in the courtroom, and Anse saw Juanita's face go white. Then he saw her finger nails whiten as they lay in her lap and a sudden flush spread to her face.

She looked toward the judge, and at once the lawyer for the defense was on his feet with the old objection: "The question is irrelevant."

Then, while counsel tilted with each other, the girl drew a long breath, and the man whose life was in the balance turned pale, too, not because of this, but because the woman he loved had been asked the question which was more to him than life and death—a question he had never dared to ask himself.

"I think," ruled the court, "the question is relevant as going to prove the credibility of the witness."

So she must answer.

The prisoner's finger nails bit into his palms and he smothered a low oath between his clenched teeth, but Juanita Holland only looked at the cross-examiner with a clear-eyed and serene glance of scorn under which he seemed to shrivel. She replied with the dignity of a young queen who can afford to ignore insults from the gutter.

"None whatever."

The defendant sat back in his chair and the smile left his lips as though he had been struck by a thunderbolt. He knew that his case was won, and yet as he saw her leave the witness stand and the courtroom, he felt sicker at heart than he had felt since he could remember. He would almost have preferred condemnation with the hope against hope left somewhere deep in his heart that there slept in her an echo to his unuttered love.

The question he had never dared to ask she had answered—answered under oath, and liberty seemed now a very barren gift.

When he had been acquitted and was going out he saw a figure in consultation with the prosecutor—a figure which had not been inside the doors during the trial. It was Mr. Trevor of Louisville and he was testily saying: "Oh, well, there are more ways of killing a cat than by choking it with butter."

Anse Hayey did not require the interpretation of an oracle for that cryptic comment. He knew that the effort to dispose of him would not end with his acquittal.

Juanita was going away to enlist her staff of teachers and arrange for the equipment of the little hospital, and Anse did not tell her of his insecurity.

"You'll promise to be very careful while I'm gone, won't you?" she demanded, as they sat together the night before she left.

"I'll try to last till you get back," he smiled. He was sitting with a pipe in his hand—a pipe which had gone out and been forgotten.

In the darkness of the porch everything was vague but herself. She seemed to him to be luminous by some light of her own. She was a very wonderful and desirable star shining far out of reach of his world.

Suddenly she laughed, and he asked: "What is it?"

"I was just thinking what a fool I was when I came here," she answered. "Did you know that I brought a piano with me as far as Peril? It's been there over a year."

"A piano?" he echoed, then they both laughed.

"I might as well have tried to bring along the Philadelphia city hall," she admitted. "Just the same, there have been times when it would have meant a lot to me, an awful lot, if I could have had that piano. I don't know whether music means so much to you, but to me—"

"I know," he broke in. "I sometimes 'low that life ain't much else except the summ'n' up of the things a feller dreams. Music is like dreams—it makes dreams. Yes, I know something about that."

She went away and, though she was not long gone, her absence seemed interminable to Anse Hayey. He met her at the train on her return with a starved idolatry in his eyes, and together they rode back across the ridge.

But when she entered the building which had been the first schoolhouse the man drew back a step or two and watched as surreptitiously as a boy who has in due secrecy planned a surprise.

She went in and then suddenly halted and stood near the threshold in amazement. Her eyes began to dance and she gave a little gasp of delight. There against one wall stood her piano.

She turned to him, deeply moved, and after the first flush of delight her eyes were misty.

"I wonder how I am ever going to

thank you—for everything," she said softly.

But Bad Anse Hayey only answered in an embarrassed voice. "I reckon it might be a little jingly, so I had a feller come up from Lexington and tune it up."

She went over and struck a chord, then she came back and laid a hand on his coat sleeve.

"I'm not going to try to thank you at all—now," she said. "But you go home and come back this evening and we'll have a little party, just you and I—with music."

"Good-by," he said. "I reckon ye haven't noticed it—but my rifle's standin' there in your rack."

It was a night of starlight, with just a sickle moon overhead and the music of the whippoorwill in the air, when Anse presented himself again at the school. He knew that he must break off these visits because while she had been away he had taken due account of himself and recognized that the poignant pain of locked lips would drive him beyond control. He could no longer endure "the anlit lamp and the ungit loin." Now the sight of her set him into a palpitating fever and a burning madness. He would invent some excuse tonight and go away.

Then he came to the open door and stood on the threshold transfixed by the sight which greeted his eyes. His hat dropped to the floor and lay there. He thought he knew Juanita. Now he suddenly realized that the real Juanita he had never seen before, and as he looked at her he felt infinitely far away from her. He was a very dim, faint star in apogee.

She sat with her back turned and her fingers straying over the keys of the piano—and she was in evening dress! The shaded lamp shone softly on ivory shoulders and a string of pearls glistened at her throat. Around her slim figure the soft folds of her gown fell like gossamer draperies and to his eyes, she was utterly and lawlessly beautiful.

She had followed a whim that night and "dressed up" to surprise him. She had promised him a party and meant to receive him with as much preparation as she would have made for royalty. But to him it was only a declaration of the difference between them, emphasizing how unattainable she was; how unthinkably remote from him own rough world.

Then, as she heard his steps and rose, she was disappointed because in his face, instead of pleasure, she read only a tumult whose dominant note was distress.

"Don't you like me?" she asked, as she gave him her hand and smiled up at him.

"Like you!" he burst out, then he caught himself with something like a gasp. "Yes," he said dully. "I like you."

For a while she played and sang, and then they went out to the porch, where she sank down in the barrel-stave hammock which hung there and he sat in a split-bottom chair by her side.

He sat very moody and silent, his hands resting on his knees, trying to repress what he could not long hope to keep under.

She seemed oblivious to his deep abstraction, for she was humming some air low, almost under her breath.

But at last she sat up and laughed a silvery and subdued yet happy little laugh. She stretched her arms above her head.

"It's good to be back, Anse," she said softly. "I've missed you—lots."

He dared not tell her how he had missed her, and he did not recognize the new note in her voice—the heart note. There was a strange silence between them, and as they sat, so close that each could almost feel the other's breath, their eyes met and held in a locked gaze.

Slowly, as though drawn by some occult power over which he held no control, the man bent a little nearer, a little nearer. Slowly the girl's eyes dilated, and then, with no word, she suddenly gave a low exclamation, half gasp, half appeal, all inarticulate, and both hands went groping out toward him.

With something almost like a cry, the man was on his knees by the hammock and both his arms were around her and her head was on his shoulder.

Then he was kissing her cheeks and lips, and into his soul was coming a sudden discovery with the softness and coolness of the flesh his lips touched.

It lasted only a moment, then she pushed him back gently and rose, while one bare arm went gropingly across her face and the other hand went out to the porch post for support.

In a voice low and broken she said: "You must go!"

"No!" he exclaimed, and took a step toward her, but she retreated a little and shook her head.

"Yes, dear—please," she almost whispered, and the man bowed in acquiescence.

"Good night," he said gravely, and picking up his hat, he started across the ridge.

But now there were no ghosts in his life, for all the way over that rough trail he was looking up at the stars and repeating incredulously over and over to himself: "She loves me!"

## CHAPTER XXIV.

In a small room over the post office in Peril an attorney, whose professional success had always been precarious, received those few clients who came to him for consultation.

The lawyer's name was Walter Hackley, but he was better known as Clayheel Hackley, because he never wore socks and his bare ankles were tanned to the hue of river-bank mud.

His features were wizened and his eyes shifty. He was a coward and an intriguer by nature and inclination. It was logical enough that when the verdict of the director's table that Bad Anse Hayey was a nuisance filtered down the line the persons seeking native methods for abating this nuisance should come to Clayheel Hackley.

One day in August this attorney at law, together with Jim Fletcher and a tricky youth who enjoyed the distinction of holding office as telegraph operator at the Peril station, caucused together in Hackley's dingy room.

In the death of Bad Anse Hayey this trio saw a joint advantage, since the abating of such a nuisance would not go unrewarded.

"Gentlemen," said the attorney, his wizened face working nervously, "this business has need to be expeditious. Gentlemen—it requires, in its nature, to be expeditious. A few more failures and we are done for."

"Well, tell us how ye aims ter do hit," growled the telegraph operator.

"Jim Fletcher has the idea," replied the lawyer impressively. "Quitte the right idea. How many men can you trust on a job like this, Jim?"

"As many as ye needs," was the confident response. "A dozen or a score if they're wanted."

"Enough to make it sure, but not too many," urged Hackley. "We should set a day precisely as the court would set a day for—er—an execution. The force you send out should simply stay on the job until it's done. If Anse Hayey can be got alone, so much the better. But above all—"

The lawyer paused and spoke with his most forceful emphasis: "Don't just wound this man. See that the thing is finally and definitely settled."

"I'll be there myself," Jim Fletcher assured him. "Now when is this day goin' ter be?"

"This is Monday!" reflected the attorney. "There is no advantage in delay. It will take a day or two to get ready. Let the case be docketed as I might say—for Thursday."

Anse Hayey had gone to Lexington. Never again did he mean to hold against himself the accusation of the unlit lamp and the ungit loin. He knew that she loved him.

In Lexington he had bought a ring and at Peril he had got a marriage license. His camp-following days were over. He had one youth, and he knew that if his enemies succeeded in their designs that might at any moment be snapped short with sudden death. It did not seem to him that one of its golden hours should be wasted.

As he came out of the outhouse with the invaluable piece of paper in his pocket two men, seemingly unarmed, rose from the doorway of the store across the street and drifted toward their hitched horses.

Young Milt McBriar had ridden over to Peril that day with several companions, and Anse Hayey went back with them. So it happened that quite accidentally he made this journey under escort. The men who rode a little way in his rear cursed their luck—and waited. And, though they lurked in hiding all that afternoon near Anse Hayey's house, they saw nothing more of their intended victim.

Anse was keenly alive to each day's impending threat, and when he recognized the face of Jim Fletcher at Peril, as he came through, he had read mischief in the eyes and recognized that the menace had drawn closer.

So, when he was ready to cross the ridge to the school, he obeyed an old sense of caution and left his horse saddled at the front fence that it might seem as if he were going out—but had not yet gone.

He had sent a messenger for Good Anse Talbot, and the preacher arrived while he was at his supper.

"Brother Anse," he said, "I'm goin' to need ye some time betwixt now and midnight. I want ye to tarry here till I come back."

"What's the nature of business ye needs me fer, Anse?" demanded the missionary. "I hadn't hardly ought ter wait. Thar's a child ailin' up the top fork of little fork of Turkey-Foot creek."

But Bad Anse only shook his head. "It's the best business ye ever did," he confidently assured the preacher. "But I can't tell ye yet. Is the child in any danger?"

"I reckon not; hit's jest ailin' but—"

The brown-faced man sat dubiously shaking his head, and Anse's features suddenly set and hardened.

"I needs ye," he said. "Ain't that enough? I'm goin' to need ye bad."

"That's a right strong reason, Anse, but—"

For an instant the old dominating will which had not yet learned to brook mutiny leaped into Anse Hayey's eyes. His words came in a harsher voice.

"Will you stay of your own free will because I'm goin' to need ye, Brother Anse?" he demanded. "Because, by God, ye're goin' to stay—one way or another."

"Does ye mean ye aims ter hold me hyar by force?"

"Not unless ye make me. I wouldn't hardly like to do that."

For a moment the missionary debated. He did not resent the threat of coercion. He believed in Anse Hayey, and the form of request convinced him of its urgency.

So he nodded his head. "I'll be hyar when ye comes," he said.

Anse left his house that night neither by front nor back, but in the dark shadows at one side, and his tall-man of luck led his noiseless feet safely between the scattered sentinels who were watching his dwelling to kill him.

(TO BE CONTINUED)